

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION**

<b>JOSEPH EDWARD ECKERT,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>CIVIL ACTION FILE NO.</b>
	)	
<b>JASON OWEN,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**NOTICE OF REMOVAL**

COMES NOW Jason Owen (“Defendant”) and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, files this Notice of Removal from the Superior Court of Warren County, showing the Court as follows:

1. Plaintiff filed this action against Defendant in the Superior Court of Warren County on January 5, 2024, where it was assigned civil action number 24CV0001. A copy of all process, pleadings, and orders served upon Defendant is attached as Exhibit A.

2. The Superior Court of Warren County is located within the Augusta Division of the United States District Court for the Southern District of Georgia and is the appropriate court for removal pursuant to 28 U.S.C. §§ 1441(a) and 1446(a).

3. As set forth in more detail below, this case is removable pursuant to 28 U.S.C. § 1441 because the United States District Court has original jurisdiction over this case by reason of diversity of citizenship pursuant to 28 U.S.C. § 1332(a).

4. Defendant was served with process on February 12, 2024. Therefore, this Notice of Removal is timely filed. *See* 28 U.S.C. § 1446(b)(1).

5. Plaintiff is an individual who is a citizen and resident of the State of Georgia. (Compl ¶1). As such, Plaintiff is a citizen of Georgia for purposes of federal court jurisdiction.

6. Defendant is an individual who is a resident of Tennessee. As such, he is a citizen of Tennessee for purposes of federal court jurisdiction.

7. Complete diversity of citizenship exists between the parties.

8. The amount in controversy exceeds \$75,000, exclusive of interests and costs. This cause of action arises out of an injury sustained by Plaintiff after a firearm discharged resulting in a bullet striking Plaintiff's right thigh. In his complaint, Plaintiff alleges he has sustained medical expenses in excess of \$131,540.88 ("Compl. ¶13). Plaintiff further seeks a judgment against the Defendant in an amount in excess of \$130,000.00. As a result of the foregoing, this Court has jurisdiction pursuant to 28 U.S.C. § 1332 upon removal pursuant to 28 U.S.C. §§ 1441 and 1446.

9. For the reasons set forth above, this Court has subject matter jurisdiction based upon diversity of citizenship between Plaintiff and Defendant and because the amount in controversy is greater than \$75,000.00. 28 U.S.C. §§ 1441(b), 1332, and 1446.

10. Defendant has given written notice of the filing of this notice to Plaintiff and will likewise file a Notice of Filing of this Notice of Removal with the Clerk of the Superior Court of Warren County, Georgia, with service on Plaintiff's counsel, as shown as Exhibit B.

11. The undersigned have read this notice, and to the best of their knowledge, information, and belief, formed after reasonable inquiry, it is well-grounded in fact, is warranted by existing law, and is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

WHEREFORE, this Court now has jurisdiction over this action.

Respectfully submitted this 11th day of March, 2024.

**FREEMAN MATHIS & GARY, LLP**

/s/ Marc H. Bardack

Marc H. Bardack

Georgia Bar No. 037126

[mbardack@fmglaw.com](mailto:mbardack@fmglaw.com)

*Attorney for Defendant Jason Owen*

100 Galleria Parkway  
Suite 1600  
Atlanta, GA 30339-5948  
(770) 818-0000 (telephone)  
(770) 937-9960 (facsimile)

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically submitted the foregoing **Notice of Removal** to the clerk of court using the CM/ECF system, which will automatically send electronic mail notification of such filing to counsel of record who are CM/ECF participants. Counsel of record are:

Kevin E. Epps, Esq.  
Tyler M. Gaines, Esq.  
Epps, Holloway, Deloach & Hoipkemier, LLC  
1220 Langford Drive  
Building 200, Suite 101  
Watkinsville, Georgia 30677  
[kevin@ehdhlaw.com](mailto:kevin@ehdhlaw.com)  
[tyler@ehdhlaw.com](mailto:tyler@ehdhlaw.com)  
*Attorneys for Plaintiff*

This 11th day of March 2024.

**FREEMAN MATHIS & GARY, LLP**

/s/ Marc H. Bardack  
MARC H. BARDACK  
Georgia Bar No. 037126  
[mbardack@fmglaw.com](mailto:mbardack@fmglaw.com)

100 Galleria Parkway  
Suite 1600  
Atlanta, GA 30339-5948  
(770) 818-0000 (telephone)  
(770) 937-9960 (facsimile)